

3570. Adulteration of dried apples. U. S. v. 103 Sacks * * * Dried Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5598. I. S. No. 5026-h. S. No. 2121.)

On February 19, 1914, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 103 sacks, each containing approximately 70 pounds of a substance purporting to be dried apples, remaining unsold in the original unbroken packages at Evansville, Ind., alleging that the product had been shipped on January 3 and January 5, 1914, and transported from the State of Kentucky into the State of Indiana, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was adulterated in violation of the Food and Drugs Act and that the packages purporting to be dried apples were made of small pieces, some skin and core present, color varying, some pieces being light and some dark, and very hard and dry; excreta¹ were present on nearly every piece, and on some pieces particles of sugar were also present; two live larvæ¹ were found on the outside of every bit of said product and substance purporting to be dried apples, and excreta¹ were found on the inside of each particle of said product and substance purporting to be dried apples. It was further alleged that the product consisted in part of a filthy, decomposed, and putrid manufactured vegetable substance.

On July 2, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *February 17, 1915.*

¹ Examination of a sample of the product by the Bureau of Chemistry of this department showed the presence of 2 live larvæ in said sample and not "on the outside of every bit," as alleged in the libel. Excreta were found on 37 per cent of the sample and not "on the inside of each particle," as alleged.